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8 Attorneys for Harley-Davidson Motor Company, Inc.  
9 and Buell Distribution Company, LLC

10 UNITED STATES BANKRUPTCY COURT  
11 EASTERN DISTRICT OF WASHINGTON

12 In re:

13 John and Jennifer D. Shumate; Shumate, Inc.;  
14 Shumate Tri-City, LLC; and,  
15 Shumate Spokane, LLC,

16 Debtors,

17 John Michial Shumate & Jennifer D. Shumate,

18 Plaintiffs,

19 v.

20 Harley-Davidson Motor Company, Inc., et al.,

21 Defendants.

Adversary Proceeding No: 10-80006-FLK

Bankruptcy Case Nos: 09-05078-FLK11,  
09-05079-FLK11,  
09-05080-FLK11,  
09-05081-FLK11

STIPULATION FOR DISMISSAL OF  
ADVERSARY PROCEEDING  
AND  
VOLUNTARY SURRENDER  
AND TERMINATION OF  
HARLEY-DAVIDSON  
DEALER CONTRACTS

22 STIPULATION AND ORDER FOR DISMISSAL  
23 AND VOLUNTARY SURRENDER AND  
24 TERMINATION OF DEALER CONTRACT  
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1 IT IS HEREBY STIPULATED, by and between the above-referenced debtors and the  
2 plaintiffs and the defendants in this adversary proceeding, by their attorneys, that:

3 1. This adversary proceeding is not automatically stayed under 11 U.S.C. § 362(a)(1) or any  
4 other provision of the Bankruptcy Code.

5 2. The Harley-Davidson Motor Company Motorcycle Dealer Contracts between Harley-  
6 Davidson Motor Company, Inc. ("HDMC") and Shumate Tri-City, LLC ("Shumate Tri-City")  
7 and Shumate Spokane, LLC (Shumate Spokane") are hereby voluntarily surrendered and  
8 terminated by each dealer, effective as of August 2, 2010 or on such later date as may be  
9 approved by the Court for good cause shown as set forth herein. The parties recognize that these  
10 Dealer Contracts may be sooner terminated in accordance with an approved sale of either  
11 debtor's assets. If HDMC fails to timely approve or disapprove a proposed new dealer acquiring  
12 the assets of Shumate Tri-City or Shumate Spokane or if this Court denies a debtor's motion to  
13 approve such a sale, then Shumate Tri-City and/or Shumate Spokane may petition this Court, for  
14 good cause shown, to extend the August 2, 2010 Dealer Contract surrender/termination date for a  
15 period not to exceed 60 days.

16 3. The Buell Motorcycle Company Motorcycle Dealer Contracts between Buell Distribution  
17 Company, LLC and Shumate Tri-City and Shumate Spokane were previously surrendered and  
18 terminated by each dealer.

19 4. This adversary proceeding, including the termination claims initially raised before the  
20 Washington Office of Administrative Hearings, may be dismissed with prejudice and without  
21 attorneys' fees or costs to any party. The dismissal of this adversary proceeding shall also

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23 STIPULATION AND ORDER FOR DISMISSAL  
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1 resolve the issues asserted by John Michial Shumate and Jennifer D. Shumate (the "Shumates"),  
 2 Shumate, Inc., Shumate Spokane and Shumate Tri-City (collectively, the "Debtors") in the  
 3 Motions and Amended Motions For Order Determining Applicability Of Automatic Stay To  
 4 Notices Of Termination Pending At Petition Date (the "Motions"). The Debtors shall withdraw  
 5 said Motions upon the dismissal of this adversary proceeding.

6 5. Such dismissal shall be without prejudice to the rights, claims and defenses of  
 7 HDMC and the Debtors, asserted or unasserted, in any other adversary or contested matter .

8 **PAUKERT & TROPFMAN PLLC**

9  
 10 Date: 5/25/10

/s/ Michael J. Paukert

Michael J. Paukert, WSBA No. 20237  
 Attorney for Shumate Tri-City, LLC

11  
 12  
 13 **EWING ANDERSON PAUL, P.S.**

14  
 15 Date: 5/25/10

/s/ David E. Eash

David E. Eash, WSBA No. 06684  
 Attorney for Shumate Spokane, LLC

16  
 17 **DAVIDSON BACKMAN MEDEIROS PLLC**

18  
 19 Date: 5/25/10

/s/ Barry W. Davidson

Barry W. Davidson, WSBA No. 07908  
 Attorney for John and Jennifer Shumate

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**NEALEY & MARINELLA**

Date: 5/25/10

/s/ Terry R. Nealey  
Terry R. Nealey, WSBA No. 05750  
Chapter 7 Trustee for Shumate, Inc.

**WINSTON & CASHATT**

Date: 5/25/10

/s/ Nancy L. Isserlis  
Nancy L. Isserlis, WSBA No. 11623  
Attorney for Harley-Davidson Motor Company,  
Inc. and Buell Distribution Company, LLC  
  
*and*

**FOLEY & LARDNER LLP**

Date: 5/25/10

/s/ Peter J. Stone  
Peter J. Stone (*pro hac vice*)  
Attorney for Harley-Davidson Motor Company,  
Inc. and Buell Distribution Company, LLC

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